



# भारत का राजपत्र The Gazette of India

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EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
की रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in Lok Sabha on 8th August, 1990:—

BILL No. 124 OF 1990

*A Bill further to amend the Rubber Act, 1947.*

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Rubber (Amendment) Act, 1990.

Short  
title.

24 of 1947.

2. In section 12 of the Rubber Act, 1947, in sub-section (1), for the words "fifty naye paise", the words "two rupees" shall be substituted.

Amend-  
ment of  
section  
12.

## STATEMENT OF OBJECTS AND REASONS

The present rate of excise duty on rubber has reached the ceiling of fifty paise per kilogram fixed under sub-section (1) of section 12 of the Rubber Act, 1947. These rates have been in vogue since 24th August, 1984. The proceeds of the duty of excise levied under the Act form part of the Consolidated Fund of India and after being reduced by the cost of collection and after appropriation by law by Parliament are paid to the Rubber Board for being utilised for the purposes of the Act. The expenditure by Board during the recent years has increased considerably due to increase in the plan and non-plan activities of the Board. The Board has taken up a number of new schemes relating to rubber plantation development, rubber development in the eastern and western regions of the country, besides continuing the existing development activities and research programmes taken up to expand the rubber production. The proceeds of duty of excise levied under the Act would, therefore, not be sufficient to meet the expenditure of the Board in the coming years. It is thus necessary to strengthen the financial position of the Board. It is, therefore, proposed to amend sub-section (1) of section 12 of the Act to provide for a higher ceiling of levy of duty of excise at a rate not exceeding ~~rupees two per kilogram~~. The actual operative rate of duty will, however, be fixed at such level as may be sufficient to generate funds to meet substantial part of the budget expenditure ~~of the Board in future~~.

2. The Bill seeks to achieve the above object.

NEW DELHI;

The 20th July, 1990.

ARUN NEHRU.

## BILL NO. 125 OF 1990

*A Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir.*

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

Short  
title,  
extent  
and-  
com-  
mence  
ment.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 5th day of July, 1990.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "armed forces" means the military forces and the air forces operating as land forces and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

46 of 1950.  
46 of 1950.

Power to  
declare  
areas to be  
disturbed  
areas.

3. If, in relation to the State of Jammu and Kashmir, the Governor of that State or the Central Government, is of opinion that the whole or any part of the State is in such a disturbed and dangerous condition that the use of armed forces in aid of the civil power is necessary to prevent—

(a) activities involving terrorist acts directed towards overawing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;

(b) activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution of India,

the Governor of the State or the Central Government, may, by notification in the Official Gazette, declare the whole or any part of the State to be a disturbed area.

*Explanation.*—In this section, “terrorist act” has the same meaning as in *Explanation* to article 248 of the Constitution of India as applicable to the State of Jammu and Kashmir.

Special  
powers  
of the  
Armed  
Forces.

4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,—

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive

substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.

5. Every person making a search under this Act shall have the power to break open the lock of any door, almirah, safe, box, cup-board, drawer, package or other thing, if the key thereof is withheld.

Power of search to include powers to break open locks, etc.

6. Any person arrested and taken into custody under this Act and every property, arms, ammunition or explosive substance or any vehicle or vessel seized under this Act, shall be made over to the officer in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, or as the case may be, occasioning the seizure of such property, arms, ammunition or explosive substance or any vehicle or vessel, as the case may be.

Arrested persons and seized property to be made over to the police.

7. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the power conferred by this Act.

Protection of persons acting in good faith under this Act.

3 of 1990.

8. (1) The Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

## STATEMENT OF OBJECTS AND REASONS

With the advent of summer and melting of snow the tendency of the militants and subversive elements of the valley to get across the border for smuggling of arms, ammunition and explosives and training in subversive activities is on the increase. The security forces deployed have to pursue the infiltrators and nab them inside the valley. Concerted and co-ordinated efforts by the State police and security forces to intercept the infiltrators, search for and take action against arms dumps by the militants and subversive elements are required so as to counter the designs of the secessionist elements. In the context of the prevailing situation in the valley, it was found necessary to empower the security forces with additional powers to assist the civil administration in containing the terrorism. To meet this situation the Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990 (3 of 1990) was promulgated on the 5th July, 1990.

2. The Bill seeks to replace the above mentioned Ordinance.

NEW DELHI;  
The 31st July, 1990.

MUFTI MOHAMMED SAYEED.

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K. C. RASTOGI,  
Additional Secretary.